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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 MALCOLM BROOKS,

7 Plaintiff,

8 v.

9 BRIAN T. MOYNIHAN, et al.,

10 Defendants.
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Case No. 2:18-cv-01104-APG-BNW

REPORT AND RECOMMENDATION


12 On October 23, 2019, the court entered an order requiring Plaintiff to file an application to
13 proceed *in forma pauperis* or to pay the filing fee in this case. (Order (ECF No. 9).) Plaintiff's
14 deadline for doing so was November 21, 2019. (*Id.*) Plaintiff was advised that failure to comply
15 with the order would result in a recommendation that his case be dismissed. (*Id.* at 2.) Given that
16 Plaintiff has not complied with the court's order or taken any action in this case since the court's
17 order dated October 23, 2019, he appears to have abandoned this case.

18 IT IS THEREFORE RECOMMENDED that Plaintiff's case be dismissed without
19 prejudice.
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NOTICE

This report and recommendation is submitted to the United States district judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: December 2, 2019


BREND A WEKSLER
UNITED STATES MAGISTRATE JUDGE